

### **REMARKS**

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

#### **Status of the Claims**

Claims 8, 24-30, and 40 were previously cancelled without prejudice or disclaimer of the subject matter recited therein.

Claims 1, 9, 17, 33, and 41 are amended herein.

No new matter is added.

Claims 1-7, 9-23, 31-39 and 41-56 are currently pending.

#### **Rejection under 35 U.S.C. §103**

Claims 1-7, 9-14, 17-23, 33-39, 41-47, 49-51 and 54-56 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,070,502 to Bussick et al. ("Bussick") in view of U.S. Patent No. 6,203,430 to Walker ("Walker").

Amended independent claim 1 now recites a game machine comprising a measuring module that measures a count that is the "number of times said special symbol in each of said reels of said reel display module passes through at least one of said regions while the reel display module is in

the changing display state showing the spinning of the reels.” It is respectfully submitted that the cited references, alone or in combination, do not teach or suggest these features.

Bussick describes a gaming device having a wildcard symbol. The described gaming device includes a display having changing and static display states. The Examiner concedes that Bussick does not disclose “a count wherein the count is how many times that the symbol was displayed on the reels,” and attempts to cure this deficiency with Walker.

Walker describes an electronic amusement device and a method for operating the device. The described device and method maintain a running count that tracks the number of occurrences of a tracked symbol.

Even if it is conceded that the count described by Walker is comparable to a count of symbols appearing during the static display state of the present invention, it is not comparable to “a count that is a number of times said special symbol in each of said reels of said reel display module passes through at least one of said regions while the reel display module is in the changing display state showing the spinning of the reels,” as recited in amended claim 1. As described in the Specification, for example, this count represents “the number of times the kicker symbol (special symbol) passes the payline starting with when the reels start spinning and ending when they stop (step S5).” See Specification ¶¶[0060], [0065].

Further, Applicants note that the Examiner's interpretation of "changing display" to mean "the display after the reels change to display new winning combinations due to special symbols such as wild symbols" is inconsistent with the disclosure in the Specification. The "changing display state" is indicative of the state during which the display is showing the reels spinning. As described in the Specification, once the player operates the start lever, "the reel display module 7 displays the symbols in a changing manner. When a predetermined duration has elapsed, the symbols being displayed in a changing manner are sequentially displayed in a static manner." *See* Specification, ¶[0053]. Additionally, Applicants have amended the claims to recite "the changing display state showing a spinning of the plurality of reels," to further clarify the claimed invention.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. §103(a) be withdrawn.

Claims 2-7, and 54 depend from claim 1. Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claims 2-7 under 35 U.S.C. §103(a) be withdrawn.

Amended independent claim 9 recites features similar to those discussed above with respect to claim 1. Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claim 9 under 35 U.S.C. §103(a) be withdrawn.

Claims 10-14, and 51 depend from claim 9. Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claims 10-14 under 35 U.S.C. §103(a) be withdrawn.

Amended independent claim 17 recites features similar to those discussed above with respect to claim 1. Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claim 17 under 35 U.S.C. §103(a) be withdrawn.

Claims 18-23, 49, and 50 depend from claim 17. Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claims 18-23 under 35 U.S.C. §103(a) be withdrawn.

Amended independent claim 33 recites features similar to those discussed above with respect to claim 1. Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claim 33 under 35 U.S.C. §103(a) be withdrawn.

Claims 34-39, 55, and 56 depend from claim 33. Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claims 34-39 under 35 U.S.C. §103(a) be withdrawn.

Amended independent claim 41 recites features similar to those discussed above with respect to claim 1. Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claim 41 under 35 U.S.C. §103(a) be withdrawn.

Claims 42-47 depend from claim 41. Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claims 42-47 under 35 U.S.C. §103(a) be withdrawn.

Claims 15, 16, 31, 32, 48, 52, and 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bussick in view of Walker and U.S. Publication No. 2003/0045345 to Berman (“Berman”).

Berman describes a gaming method and apparatus to be used in gaming activities such as slot machines that provide for the dynamic generation of paylines.

Claims 15 and 16 depend from claim 1, and Berman and does not cure the deficiencies of Bussick and Walker. Thus, for at least the reasons discussed above, Applicants respectfully request that the rejection of claims 15 and 16 under 35 U.S.C. §103(a) be withdrawn.

Claims 31 and 32 depend from claim 17, and Berman and does not cure the deficiencies of Bussick and Walker. Thus, for at least the reasons discussed above, Applicants respectfully request that the rejection of claims 31 and 32 under 35 U.S.C. §103(a) be withdrawn.

Claim 48 depends from claim 41, and Berman and does not cure the deficiencies of Bussick and Walker. Thus, for at least the reasons discussed above, Applicants respectfully request that the rejection of claim 48 under 35 U.S.C. §103(a) be withdrawn.

Claims 52 and 53 depend from claim 9, and Berman and does not cure the deficiencies of Bussick and Walker. Thus, for at least the reasons discussed above, Applicants respectfully request that the rejection of claims 52 and 53 under 35 U.S.C. §103(a) be withdrawn.

**CONCLUSION**

In view of the above, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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